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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 2174 OF 2006

PETITIONER

Kalyan Singh son of Dashrath
Singh, aged about 38 years.
Cultivator and resident of village
Nawagaon [Salka], Tahsil Kota,
District Bilaspur [C.G.].

Versus

RESPONDENTS:

1. State of Chhattisgarh, through –
Collector, Bilaspur (C.G.).
2. Chief Executive Officer, Janpad
Panchayat, Kota, District Bilaspur.
3. Gram Panchayat Nawagaon [Salka]
through its Sarpanch, Tahsil Kota,
District Bilaspur (C.G.).

Present : Shri Saifuddin Rajas, learned counsel for the petitioner.
Shri Sanjay S. Agarwal, learned G.A. for the State.

(ORAL ORDER)
(Passed on 26th April, 2006)

The petitioner claiming that he is the owner and possessor of water tanks situate in the land bearing Khasra numbers 145, 169, 390, 682, 1383 and 1384 of Nawagaon village, Kota Tahsil, Bilaspur District and the respondents without any legal right and interest in the said properties, have been interfering with his possession of those properties and attempting to forcibly take over the said tanks from his possession, has filed this writ petition seeking intervention of the Court. The dispute brought before the Court relates to title of the land property. Generally speaking, title questions cannot be decided in a summary proceeding under Article 226 of the Constitution. Appropriate remedy to be pursued

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to settle title questions is by way of a suit before the jurisdictional Civil Court. In order to grant relief to the petitioner, it becomes imperative for the Court to undertake adjudication of title and possessory right questions and such a question cannot be resolved without permitting the parties to lead evidence and tender them to be cross-examined by each other. In that view of the matter and also having regard to the fact that the petitioner has more efficacious and comprehensive remedies by way of private law review remedies before the jurisdictional Civil Court, I am not inclined to entertain the writ petition. The writ petition is accordingly dismissed, leaving open all the contentions raised in this writ petition to be pressed into service in the suit that may be filed by the petitioner before the jurisdictional Civil Court. No costs.

Sd/-
Chief Justice

Sd/-
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